

# SOUTHERN ENVIRONMENTAL LAW CENTER

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July 31, 2019

**VIA FOIA ONLINE**

National FOIA Office

U.S. Environmental Protection Agency

**Re: Freedom of Information Act Request: Twin Pines Minerals**

To whom it may concern,

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, the Southern Environmental Law Center (SELC) requests the following records in the possession or control of the EPA

- (1) All records relating to Twin Pines Minerals, LLC's proposal to mine near the Okefenokee Swamp in South Georgia.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552(b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. *See* 5 U.S.C. § 552(a)(6)(A)(i).

SELC is requesting photocopies or electronic copies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987); *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D. Colo. 1994); *Etlinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." *Pederson*, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with over 25 years of experience disseminating public information regarding federal government regulatory and operations issues. *See* 5 U.S.C. § 552 (a)(4)(A)(iii). SELC frequently publishes reports and issues press releases regarding its projects. SELC's website, [www.southernenvironment.org](http://www.southernenvironment.org), contains documents generated by SELC for the specific purpose of educating the public on particular issues. Lawyers at SELC are interviewed by the media to explain their work and its significance and speak at conferences on particular topics. SELC also assists the public in locating information relating to

a particular topic by collecting and posting relevant information, documents, and links to other websites.

SELC intends to disseminate information about the proposed mine to the public through one or more of the above-mentioned means. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives, including how the government decides to limit public access to navigable waters. SELC further certifies that disclosure of the information sought is not in our commercial interest.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. But I request you contact me before processing this request if the fee is expected to be in excess of \$100.00. SELC reserves its right to appeal a fee waiver or reduction denial.

Thank you for your timely consideration of this request. If there are any questions or concerns regarding requested materials or the information necessary to evaluate the fee waiver request, please contact me at (404) 521-9900 or [bsherrier@selcga.org](mailto:bsherrier@selcga.org).

Sincerely,

Bob Sherrier  
Associate Attorney